

In the Indiana Supreme Court

Cause No. 21S-MS-19



Order Amending Indiana Parenting Time Guidelines

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Parenting Time Guidelines are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

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GUIDELINES

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PREAMBLE

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B. PURPOSE OF COMMENTARY FOLLOWING GUIDELINE.

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Commentary

- 1. Use of Term "Parenting Time."** Throughout these Guidelines the words "parenting time" have been used instead of the word "visitation" so as to emphasize the importance of the time a parent spends with a child. The concept that a non-custodial parent "visits" with a child does not convey the reality of the continuing parent-child relationship.
- 2. Minimum Time Concept.** The concept that these Guidelines represent the minimum time a non-custodial parent should spend with a child when the parties are unable to reach their own agreement. These guidelines should not be interpreted as a limitation of time imposed by the court. They are not meant to foreclose the parents from agreeing to, or the court from granting, such additional or reduced parenting time as may be in the best interest of the child in any given case. In addressing all parenting time issues, both parents should exercise sensibility, flexibility and reasonableness.
- 3. Parenting Time Plans or Calendars.** It will often be helpful for the parents to actually create a year-long parenting time calendar or schedules. This may include a calendar in which the parties have charted an entire year of parenting time. Forecasting a year ahead helps the parents anticipate and plan for holidays, birthdays, and school vacations. The parenting time calendar may include agreed upon deviations from the Guidelines, which recognize the specialized needs of the children and parents. ~~Parenting Time Calendars may be helpful in arranging holidays, extended summer, and/or when the parents live at a distance and frequent travel arrangements are needed. Indiana's family resource website, which includes information to develop Parenting Time Plans is <http://courts.in.gov/selfservice/2332.htm>. An online calendar to assist parents in creating a parenting time schedule may be found at: <https://public.courts.in.gov/PTC/#/>~~

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C. Scope of Application

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2. Amendments. Existing parenting time orders on the date of adoption of these amendments shall be enforced according to the parenting time guidelines that were in effect on the date the most recent parenting time order was issued. Changes to the Indiana Parenting Time Guidelines do not alone constitute good cause for amendment of an existing parenting time order; however, a court or parties to a proceeding may refer to these guidelines in making changes to a parenting time order after the effective date of the guidelines.

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SECTION I. GENERAL RULES APPLICABLE TO PARENTING TIME

A. COMMUNICATIONS

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3. With A Child By Telephone.

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~~Whether~~If a parent uses an answering machine, voice mail, ~~or a pager, text, or email,~~ messages left for a child shall be promptly communicated to the child and the call returned.

Commentary

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Examples of unacceptable interference with communication include a parent refusing to answer a phone or refusing to allow the child or others to answer; a parent recording phone conversations between the other parent and the child; turning off the phone or using a call blocking mechanism or otherwise denying the other parent telephone contact with the child. A parent may restrict access from a telephone, tablet, or other device used to communicate with the other parent as punishment for a child, but such punishment shall not prevent communications with the other parent.

4. With A Child By Mail. A parent and a child shall have a right to communicate privately by text, e-mail and faxes, and by cards, letters, and packages, without interference by the other parent.

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7. Communication between parent and child. Each parent is encouraged to promote a positive relationship between the children and the other parent. It is important, therefore, that communication remain open, positive and frequent. Regular phone contact is an important tool in maintaining a parent/child relationship as well as other forms of contact such as letter, e-mail and other more technologically advanced communications systems such as video chat and Skype. No person shall block reasonable phone or other communication access between a parent and child or monitor or record such communications. A parent who receives a communication for a child shall promptly deliver it to the child. Both parents shall promptly provide the other parent with updated cell and landline phone numbers and e-mail addresses when there has been a change.

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B. IMPLEMENTING PARENTING TIME

1. Transportation Responsibilities. ...

Commentary

1. Presence Of Both Parents. Both parents should be present at the time of the exchange and should make every reasonable effort to personally transport the child. On those occasions when a parent is unable to be present at the time of the exchange or it becomes necessary for the child to be transported by someone other than a parent, this should be communicated to the other parent in advance if possible. In such cases, the person present at the exchange, or transporting the child, should be a responsible adult with whom the child is familiar and comfortable. In the event a parent chooses to bring a third party to the exchange, care should be taken to ensure the person selected does not serve to increase the level of conflict at the exchange.

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3. Parental Hostility. In a situation where hostility between parents makes it impracticable to exchange a child at the parents' residences, the exchange of the child should take place at a neutral site. The use of a law enforcement facility for exchanges is an extreme measure which should only be considered in cases where protective orders between the parents exist or in cases where there is a history of repeated acts of physical violence or intimidation between the parents. In lieu of a law enforcement facility, parties are encouraged to use other public places (i.e., gas station, restaurant, grocery store) to ensure the safety and smooth transition of the child.

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3. Clothing. The custodial parent shall send an appropriate and adequate supply of clean clothing with the child and the non-custodial parent shall return such clothing in a clean condition. Each parent shall advise the other, as far in advance as possible, of any special activities so that the appropriate clothing may be available to the child.

Commentary

It is the responsibility of both parents to ensure their child is properly clothed. The non-custodial parent may wish to have a basic supply of clothing available for the child at his or her home.

C. CHANGES IN SCHEDULED PARENTING TIME

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2. Adjustments to Schedule/“Make Up” Time. Whenever there is a need to adjust the established parenting schedules because of events outside the normal family routine or the control of the parent requiring the adjustment, the parent who becomes aware of the circumstance shall notify the other parent as far in advance as possible. Recurring events which may require an adjustment, such as military drill obligations or annual work obligations, should be communicated as soon as those scheduled events are published. Both parents shall then attempt to reach a mutually acceptable adjustment to the parenting schedule.

If an adjustment results in one parent losing scheduled parenting time with the child, “make-up” time should be exercised as soon as possible. If the parents cannot agree on “make-up” time, the parent who lost the time shall select the “make-up” time within one month of the missed time. “Make-up” time is not an opportunity to deny the other parent of scheduled

holidays or special days, as defined within the Guidelines, and should not interfere with previously scheduled activities.

“Make-up” parenting time is intended to help maintain a parent-child relationship, while taking into consideration everyday life demands. “Make-up” parenting time may not be used routinely due to a parent’s failure to plan in advance, absent a true emergency.

Commentary

There will be occasions when scheduled parenting times ~~should may need to~~ be adjusted because of events or activities outside of a parent’s control, such as illnesses, mandatory work, or military obligations, or special family events such as weddings, funerals, reunions, and the like. Each parent should accommodate the other in making the adjustment so that the child may attend the family event or receive “make-up” parenting time with a parent, when adjustments are needed. After considering the child's best interests, the parent who lost parenting time may decide to forego the “make-up” time.

Decisions made by a parent that are voluntary in nature and prevent their regular exercise of parenting time, such as vacations or participation in other, voluntary activities, should not be subject to “make-up” parenting time, absent an agreement by both parents to accommodate the adjustment and subsequent “make-up” time. These events may result in the opportunity for additional parenting time for the other parent.

3. Parties who exercise equal periods of parenting time may not exercise more than three (3) additional days of “make-up” parenting time at any one time, in conjunction with regularly scheduled parenting time, so the parent does not exercise more than ten (10) consecutive days of regular and make-up parenting time. These additional days should be exercised outside of those holidays and special days as designated within the Guidelines when possible.

34. Opportunity for Additional Parenting Time. ...

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D. EXCHANGE OF INFORMATION

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3. Other Activities. Each parent shall promptly notify the other parent of all organized events in a child's life which permit parental and family participation. A parent shall not interfere with the opportunity of the other parent to volunteer for or participate in a child's activities. If the child’s activities occur during one parent’s time with the child, that parent shall have the first opportunity to provide transportation to the activity.

Commentary

Each parent should have the opportunity to participate in other activities involving the child even if that activity does not occur during his or her parenting time. This includes activities such as church functions, athletic events, scouting and the like. It is important to understand that a child is more likely to enjoy these experiences when supported by both parents.

Parents should attempt to achieve a balance when scheduling extra-curricular activities. A reasonable amount of extra-curricular activities can enrich the child’s life and strengthen the bond between parent and child through these shared experiences. On the other hand, excessive participation in these activities could

serve to diminish the quality of parenting time. Parents should take care to ensure these activities do not unreasonably infringe upon parenting time with either parent.

Extra consideration should be given to a child's participation in travel activities (i.e. basketball, baseball, softball, soccer, etc.). The cost, time away from home and demands on the child should be considered and balanced with the activity and social experience for the child.

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4. Health Information. Under Indiana law, both parents are entitled to direct access to their child's medical records, Indiana Code § 16-39-1-7; and mental health records, Indiana Code § 16-39-2-9.

a. If a child is undergoing evaluation or treatment, the custodial parent shall communicate that fact to the non-custodial parent.

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d. If required by the health care provider, the custodial parent shall give written authorization to the child's health care providers, permitting an ongoing release of all information regarding the child to the non-custodial parent including the right of the provider to discuss the child's situation with the non-custodial parent.

E. Resolution of Problems and Relocation

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4. Relocation. When either parent or other person who has custody or parenting time considers a change of residence, a 9030 day advance notice of the intent to move must be provided to the other parent or person.

Commentary

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2. Indiana Law. *Indiana law (Ind. Code § 31-17-2.2) requires all individuals who have (or who are seeking) child custody or parenting time, and who intend to relocate their residence to provide notice to an individual who has (or is seeking) child custody, parenting time or grandparent visitation. The notice must be made by registered or certified mail not later than 9030 days before the individual intends to move. The relocating party's notice must provide certain specified and detailed information about the move. This information includes: the new address; new phone numbers; the date of the proposed move; a stated reason for the move; a proposed new parenting time schedule; and must include certain statements regarding the rights of the non-relocating party. The notice must also be filed with the Court. The notice is required for **all proposed moves** by custodial **and** non-custodial parents in all cases when the proposed move involves a change of the primary residence for a period of at least sixty (60) days. The notice is not required to be filed with the court if a person's relocation will reduce the distance between the relocating and non-relocating person's home or will not result in an increase of more than 20 miles between the relocating and non-relocating parents' homes and allow the child to remain enrolled in the child's current school. This is true even when a person plans to move across the street or across town, and when a party plans on moving across the state or the country, or to another country.*

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F. CUSTODY AND PARENTING TIME DURING A PUBLIC HEALTH EMERGENCY **Introduction**

Existing court orders regarding custody and parenting time shall remain in place during a public health emergency and shall be followed. Parties should be flexible and cooperate for the best interests and health of the children during this time.

1. School Calendar. For purposes of interpreting custody and parenting time orders, the school calendar as published at the start of the academic year or as amended during the academic year, from each child’s school shall control. Custody and parenting time shall not be affected by the school’s closure during a public health emergency.

2. Transportation. Transportation for parenting time shall follow the provisions of the custody order or agreement unless such transportation is restricted pursuant to Executive Order.

3. Temporary Modification. If both parents and any other parties to their court case (“the parties”) believe there is a reason to temporarily modify or change the terms of a custody or parenting time court order effective for the duration of a public health emergency and modification is not prohibited by the terms of their existing order, they may agree in writing to temporarily modify their existing order; however, the agreement must be filed and approved by the court to be enforceable. If the parties cannot reach a temporary agreement or do not remain in agreement, any party may file a petition to modify the existing order.

4. Child Support. Many county child support clerk’s offices may be closed or not accepting payments in person. Existing court orders for child support payments remain in place and shall be followed. Child support payments can be made online, by telephone, by mail, and at other locations, as described on the Indiana Department of Child Services, Child Support Bureau website. Parents who are unable to make their full or any child support payments as a result of a public health emergency may file a petition to modify child support with the court.

5. How to file documents. Agreements, petitions, or motions should be filed electronically, as documents sent by U.S. Mail or fax may not be reviewed as promptly by the judge. Filings with the court for a party represented by an attorney shall be made by the attorney.

Commentary

A parent’s decision to forgo parenting time in order to protect the child’s health and well-being or to insulate the health and well-being of household family members should not be considered a voluntary relinquishment of parenting time. If a parent is acting in a child’s best interest due to dangerous conditions which make the exercise of parenting time unsafe, for example, during a global pandemic or due to dangerous travel advisories, and opts to forgo parenting time, a parent should be able to exercise “make-up” time in the future. The exercise of “make-up” time may not be feasible within 30 days of the missed time, depending upon the severity of those dangerous conditions and it may not be reasonable for “make-up” time to occur in a single block of time, if a significant period of parenting time was missed.

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SECTION II. SPECIFIC PARENTING TIME PROVISIONS

A. INTRODUCTION

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For identification purposes, the following provisions set forth parenting time for the non-custodial parent and assume the other parent has sole custody or primary physical custody in a joint legal custody situation. These identifiers are not meant to diminish or raise either person's status as a parent.

Commentary

Given the vast number of parenting plans which may exceed the minimum plan in these Guidelines and the particular needs and characteristics of each child and parent, it is impossible to impose any set of presumptions which will benefit almost all children and families.

The following is a list of factors which may be considered when determining whether a particular parenting plan exceeding the specific parenting time provisions herein is safe, secure, developmentally responsive, and, ultimately, in the best interests of the child. This list is not all-inclusive, and not all factors apply to any particular set of parental relationships. The factors are not listed in any order of priority. The list is meant to provide a framework for parents and other decision-makers to evaluate the potential for a proposed parenting plan to provide for healthy and continuing parenting relationships and promote the best interests of children.

Factors Related to the Child:

- The age, temperament, and maturity level of the child
- The child's current routine
- The child's response to separations and transitions
- Any particular physical, emotional, educational, or other needs resulting from the developmental stage or characteristics of the child

Factors Related to the Parent:

- The temperament of each parent
- The "fit" of each parent's temperament with the child's temperament
- Each parent's mental health, including mental illness and substance use or abuse
- Each parent's sensitivity to the child's early developmental needs
- Each parent's capacity and willingness to be flexible as the child's needs change from day to day and over time

Factors Related to the Parent-Child Relationship

- Each parent's warmth and availability to the child
- Each parent's ability to correctly discern and respond sensitively to the child's needs
- Each parent's past experience living with the child and caregiving history
- Each parent's caregiving interest and motivation
- Each parent's history of perpetrating child physical or emotional abuse or neglect

Factors Related to the Co-Parenting Relationship:

- The parents' capacity and willingness to be flexible with each other as the child's needs get expressed in the moment and change over time
- The level and nature of conflict and/or domestic violence, including the history, recentness, intensity, frequency, content, and context (separation specific or broader)
- The parents' ability to compartmentalize any conflicts and protect the child from exposure to parental conflict
- The parents' ability to communicate appropriately and in a timely manner about the child
- The degree to which each parent facilitates contact and communication between the other parent and the child versus "gatekeeping" behavior intended to keep the other parent and the child apart
- The parents' capacity for cooperation about the child's developmental needs

Environmental Factors:

- The proximity of the parental homes
- The parents' work schedules and circumstances
- The presence of extended family members or close friends that participate in caregiving
- The availability of additional child care if needed and economic resources available to pay for it
- The mechanics in place to transfer the child from one household to the other

B. Overnight Parenting Time.

Unless it can be demonstrated by the custodial parent that the non-custodial parent has not had regular care responsibilities for the child, parenting time shall include overnights. If the non-custodial parent has not previously exercised regular care responsibilities for the child, then parenting time shall not include overnights prior to the child's third birthday, except as provided in subsection C. below.

Commentary

1. Assumptions. *The provisions identify parenting time for the non-custodial parent and assume that one parent has sole custody or primary physical custody of a child, that both parents are fit and proper, that both parents have adequately bonded with the child, and that both parents are willing to parent the child. They further assume that the parents are respectful of each other and will cooperate with each other to promote the best interests of the child. Finally, the provisions assume that each parent is responsible for the nurturing and care of the child. Parenting time is both a right and a trust and parents are expected to assume full responsibility for the child during their individual parenting time.*

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6. Factors in Determining the Exercise of "regular care responsibilities" (See Section B., C.2. and C.3. (Children under Three (3) years of age))

- The length of time the parents resided together with the child(ren)
- Overnights previously exercised by the parents prior to court involvement (ability to incorporate the status quo for the parents and child(ren))
- Medical conditions, developmental issues, and/or neurological disorders relating to the child(ren), and the history and experience of the parent in providing the care necessary for the child(ren)
- The parents' provision of appropriate housing and sleeping arrangements for the child(ren)

- The frequency and involvement of the parent in the daily activities of the child(ren) such as feeding, cleaning, changing clothes and/or diapers, and bedtime routine, etc.
- Other factors affecting the regular care responsibilities of the child(ren)

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C. Infants and Toddlers

1. Introduction

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Commentary

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2. Frequency Versus Duration. *Infants and young children have a limited but evolving sense of time. These children also have a limited ability to recall persons not directly in front of them. For infants, short frequent visits are much better than longer visits spaced farther apart. From the vantage point of the young child, daily contact with each parent is ideal. If workable, it is recommended that no more than two days go by without contact with the noncustodial parent. A parent who cannot visit often may desire to increase the duration of visits, but this practice is not recommended for infants. Frequent and predictable parenting time is best.*

3. *Overnight contact between parents and very young children can provide opportunities for them to grow as a family. At the same time, when very young children experience sudden changes in their night-time care routines, especially when these changes include separation from the usual caretaker, they can become frightened and unhappy. Under these circumstances, they may find it difficult to relax and thrive, even when offered excellent care.*

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3. Parenting Time in Later Infancy (age 10 months through Age 36 months)

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(C) Age 19 Months through 36 months:

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(4) If the non-custodial parent who did not initially have regular care responsibilities has exercised the scheduled parenting time under these guidelines for at least nine (9) continuous months, regular parenting time as indicated in section II. D. 1. below may take place.

Commentary

Parenting Time Guideline II. C. 3. (C) (4) is intended to provide a way to shorten the last age-based parenting time stage when the infant is sufficiently bonded to the non-custodial parent so that the infant is able to regularly go back and forth, and particularly wake-up in a different place, without development-retarding strain. If this is not occurring, the provision should not be utilized. The nine (9) month provision is applicable only within the 19 to 36 month section. Therefore, as a practical matter, the provision could not shorten this stage until the infant is at least 28 months old. The provision applies equally to all non-custodial parents.

D. PARENTING TIME - CHILD 3 YEARS OF AGE AND OLDER

1. Regular Parenting Time

- On alternating weekends from Friday at 6:00 P.M. until Sunday at 6:00 P.M. (the times may change to fit the parents' schedules);
- One (1) evening per week, preferably in mid-week, for a period of up to four hours but the child shall be returned no later than 9:00 ~~p.m~~P.M.; and,

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Commentary

Where the distance from the non-custodial parent's residence makes it reasonable, the weekday period may be extended to an overnight stay. In such circumstances, the responsibility of feeding the child the next morning, getting the child to school or day care, or returning the child to the residence of the custodial parent, if the child is not in school, shall be on the non-custodial parent.

2. Extended Parenting Time (Child 3 through 4 Years Old)

The noncustodial parent shall have up to four (4) non-consecutive weeks during the year beginning at ~~4~~6:00 P.M. on Sunday until ~~4~~6:00 P.M. on the following Sunday. The non-custodial parent shall give at least sixty (60) days advance notice of the use of a particular week.

3. Extended Parenting Time (Child 5 and older)

One-half of the Summer Vacation. The summer vacation begins the day after school lets out for the summer~~;~~ and ends the day before school resumes for the new school year. The time may be either consecutive or split into two (2) segments. The noncustodial parent shall give notice to the custodial parent of the selection by April 1 of each year. If such notice is not given, the custodial parent shall make the selection and notify the other parent. All notices shall be given in writing and verbally. A timely selection may not be rejected by the other parent. Notice of an employer's restrictions on the vacation time of either parent shall be delivered to the other parent as soon as that information is available. In scheduling parenting time the employer imposed restrictions on either parent's time shall be considered by the parents in arranging their time with their child.

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During any extended summer period of more than two (2) consecutive weeks with the non-custodial parent, the custodial parent shall have the benefit of the regular parenting time schedule set forth above, which includes alternating weekends and mid-week parenting time, unless impracticable because of distance created by out of town vacations.

Similarly, during the summer period when the children are with the custodial parent for more than two (2) consecutive weeks, the non-custodial parent's regular parenting time continues, which includes alternating weekends and mid-week parenting time, unless impracticable because of distance created by out of town vacations.

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D. PARENTING TIME FOR THE ADOLESCENT AND TEENAGER

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2. Special Considerations. In exercising parenting time with a teenager, the non-custodial parent shall make reasonable efforts to accommodate a teenager's participation in his or her regular academic, extracurricular and social activities.

Commentary

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Example: The Student Athlete

Jim Doe and Jane Doe have been divorced for 3 years. Their oldest child, Jeremy, is beginning high school. Throughout his middle school years, Jeremy was active in football. Practices were held after school and games took place on weekends. Jeremy had spent alternating weekends and one night each week with his noncustodial parent. The parent who had Jeremy took him to practices and games during the time they

were together. On week-nights with the noncustodial parent, this usually consisted of dinner and conversation. Weekends with both parents included homework, chores, play, and family outings.

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F. HOLIDAY PARENTING TIME SCHEDULE

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2. Holiday Schedule. The following parenting times are applicable in all situations referenced in these Guidelines as “scheduled holidays” with the limitations applied as indicated for children under the age of three (3) years. If a child is three (3) years or older, but not yet enrolled in an academic child care program or educational facility, then the district school calendar of the district where the child primarily resides shall control for the purpose of determining holiday parenting time. If the parties equally share parenting time, then the district school calendar of the parent paying controlled expenses shall be used to determine holiday parenting time. If a child is three (3) years or older and enrolled in an academic child care program or educational facility, then the program or educational facility’s calendar where the child is enrolled shall control for the purpose of determining holiday parenting time.

A. Special Days.

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- [3] Child's Birthday. In even numbered years the non-custodial parent shall have all of the children on each child's birthday from 9:00 A.M. until 9:00 P.M.; ~~H~~however, if the birthday falls on a school day, then from 5:00 P.M. until 8:00 P.M. The custodial parent shall have all of the children the day before each child’s birthday from 9:00 A.M. until 9:00 P.M.; however, if such day falls on a school day, then from 5:00 P.M. until 8:00 P.M.

In odd numbered years the non-custodial parent shall have all of the children ~~on each child's birthday on~~ the day before ~~the each~~ child's birthday from 9:00 A.M. until 9:00 P.M.; however, if such day falls on a school day, then from 5:00 P.M. until 8:00 P.M. The custodial parent shall have all of the children on each child's birthday from 9:00 A.M. until 9:00 P.M.; however, if the birthday falls on a school day, then from 5:00 P.M. until 8:00 P.M.

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B. Christmas Vacation.

The Christmas vacation shall be defined as beginning on the last day of school and ending the last day before school begins again. Absent agreement of the parties, the first half of the period will begin at 6:00 P.M. ~~two hours after the day the~~ child is released from school. The second half of the period will end at 6:00 ~~p~~P.m on the day before school begins again.

Each party will receive one half (1/2) of the total days of the Christmas vacation, on an alternating basis as follows:

1. In even numbered years, the custodial parent shall have the first one half (1/2) of the Christmas vacation and non-custodial parent shall have the second one half (1/2) of the Christmas vacation.

2. In odd numbered years, the non-custodial parent shall have the first one half (1/2) of the Christmas vacation and custodial parent shall have the second one half (1/2) of the Christmas vacation.

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4. No exchanges under this portion of the rule shall occur after 9:00 ~~pP.mM.~~ and before 8:00 ~~aA.mM.~~, absent agreement of the parties.
-New Year's Eve and New Year's Day shall not be considered separate holidays under the Parenting Time Guidelines.

C. Holidays.

The following holidays shall be exercised by the noncustodial parent in even numbered years and the custodial parent in odd numbered years:

- [1] Martin Luther King Day. If observed by the child's school, from Friday at 6:00 P.M. until Monday at ~~76:00~~ P.M.
- [2] Presidents' Day. If observed by the child's school, from Friday at 6:00 P.M. until Monday at ~~76:00~~ P.M.
- [3] Memorial Day. From Friday at 6:00 P.M. until Monday at ~~76:00~~ P.M.
- [4] Labor Day. From Friday at 6:00 P.M. until Monday at ~~76:00~~ P.M.
- [5] Thanksgiving. From 6:00 P.M. on Wednesday until ~~76:00~~ P.M. on Sunday.

The following holidays shall be exercised by the noncustodial parent in odd numbered years and the custodial parent in even numbered years:

- [1] Spring Break. From ~~two hours after 6:00 P.M.~~ the day the child is released from school on the child's last day of school before Spring Break, and ending ~~76:00 pP.mM.~~ on the last day before school begins again.
- [2] Easter. From Friday at 6:00 P.M. until Sunday at ~~76:00~~ P.M.
- [3] Fourth of July. From 6:00 P.M. on July 3rd until ~~106:00 AP.M.~~ on July 5th.
- [4] Fall Break. From ~~two hours after 6:00 P.M.~~ the day the child is released from school on the child's last day of school before Fall Break and ending ~~76:00 pP.mM.~~ of the last day before school begins again.
- [5] Halloween. On Halloween evening from 6:00 P.M. until 9:00 P.M. or at such time as coincides with the scheduled time for trick or treating in the community where the ~~non-custodial~~ parent exercising parenting time resides.

3. Religious Holidays. Religious based holidays shall be considered by the parties and added to the foregoing holiday schedule when appropriate. The addition of such holidays shall not affect the Christmas vacation parenting time, however, they may affect the Christmas day and Easter parenting time.

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SECTION III. PARENTING TIME WHEN DISTANCE IS A MAJOR FACTOR

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3. Priority of Summer Visitation. Summer parenting time with the non-custodial parent shall take precedence over summer extracurricular activities (such as Little League, summer camp, etc.) when parenting time cannot be reasonably scheduled around such events. ~~Under~~

~~such circumstances, the non-custodial parent shall attempt to enroll the child in a similar activity in his or her community.~~

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5. Special Notice of Availability. When the non-custodial parent is in the area where the child resides, or when the child is in the area where the non-custodial parent resides, liberal parenting time shall be allowed. The parents shall provide notice to each other, as far in advance as possible, of such parenting opportunities.

SECTION IV. SHARED PARENTING

A. Introduction to Shared Parenting: An Alternate Parenting Plan

Many parents, who require a degree of separation in their personal relationship but wish for an organized sharing of responsibilities in their parenting relationship, find the Indiana Parenting Time Guidelines to be a helpful model. Some parents require less separation in their personal relationship and wish for a more seamless blending of child rearing practices in their two homes. The needs of these families may better be addressed by a model termed Shared Parenting.

In deciding whether or not a Shared Parenting plan meets the needs of their family, parents need to make a careful assessment of their family situation. The agreement and cooperation of the parents are essential elements of a successful shared parenting plan. In deciding whether or not to approve a Shared Parenting plan, judges need to conduct an independent inquiry to ensure the family meets standards predicting Shared Parenting success.

All Shared Parenting plans, by definition, make a deliberate effort to provide the child with two parents who are actively involved in that child's day to day rearing. As a consequence of an effectively implemented Shared Parenting plan, the child will spend time in the home of each parent as a resident, not a visitor. The home of each parent will be a place where the child learns, works, and plays. To effectively implement a Shared Parenting plan, each parent will need to do the work required to make his or her home a home base for the child.

The task of judging the capacity of parents for Shared Parenting is a complex one. The abilities of the individual parents and their ability to work together, the amount of work Shared Parenting would require of that unique family, and the costs to the child of both Shared Parenting and any alternative all require assessment. Successful Shared Parenting can insulate the child from most material and emotional losses which are frequently a consequence of parental separation. Unsuccessful Shared Parenting can accelerate the parental conflicts which are most predictive of emotional illness in children of separation / divorce.

B. Two Houses, One Home

The feeling that one is “at home” requires a degree of comfort and an element of routine. When children are “at home” they generally know what is expected of them. The patterns of day to day life in the home are understood and taken for granted. In this respect, day to day life requires less work “at home” than it does in more novel situations. Children often feel more relaxed. They are free to devote more energy to other things.

The rewards to the child who can naturally feel “at home” in the residences of both parents are significant. Day to day living can be focused more on growth and development, and less on adaptation. The task of providing two residences with a degree of consistency that makes them both feel like “home” to a child can be a substantial one. It is normally more challenging for two people whose relational conflicts cause them to decide to live separately. Longer term, children are more likely to enjoy living with both parents if the costs of doing so are small. They are less likely to shift to one home base, and simply visit with the other parent, as the demands of their academic and social lives increase.

Commentary

Factors Helpful in Determining the Capacity for Shared Parenting

Factors Related to the Child

1. Characterize the amount of joint work required in the rearing of the child.

Considerations:

- The younger the child, the longer the period of time requiring joint work and the greater the number of decisions and accommodations required by the parents.**
- Some children, from birth, are calmer and naturally better able to adapt to changes (easy temperament). Other children, from birth, naturally exhibit more distress in handling changes and daily discomforts (difficult temperament). These children require more time and more unified parental assistance in making transitions.**
- Factors unique to the age and developmental needs of the child can require heightened degrees of accommodation on the part of parents. Examples include breastfeeding, time needed to develop special talents and interests, time needed to address educational limitations, and time needed for health-related therapies.**
- Children with an established routine of being actively raised by both parents naturally need to make a smaller accommodation when transitioning to Shared Parenting. Children who have been raised by one parent predominantly can still benefit from Shared Parenting. However, the initial work required by the child to adjust to a routine involving both parents will be more substantial.**

2. What is the ability of the child to benefit from Shared Parenting?

Considerations:

- The younger the child, the greater the number of years the child can receive the benefits of being actively raised by both parents. A well-executed Shared Parenting plan can thus be of greatest benefit when put into place early in a child’s life.**

- What are the needs of the child (physical, educational, emotional, other) that are impacted by the separation / divorce of the parents? Will Shared Parenting facilitate the ability of the parents to address these needs post-separation / divorce?
- In what significant ways does the child engage in the community outside the family? Will Shared Parenting facilitate this engagement post separation / divorce?

Factors Related to the Parent

1. What appears to motivate the parent to take specific positions with respect to the rearing of the child? Perception of the needs, feelings, and interests of the child? The needs, feelings, and interests of the parent? Perception of what is fair to the parent? Desire to comply with rules or agreements?

Consideration:

- A parent motivated by interests, agreements, or rules which are shared with the other parent is more likely to see things as the other parent sees them. A parent who is motivated by personal interests, or a need to maintain fairness when faced with competing interests, is less likely to see things as the other parent sees them.

2. Does the parent show interest in the work of raising children? Examples include scheduling and attending appointments addressing educational or health-related needs, planning and sharing meals, engaging the children with extended family, athletics, or religious opportunities.

3. Does the parent have a generally peaceful relationship with the child?

Considerations:

- Peaceful relationships do not require those involved to be highly similar or to be conflict-free.
- Peaceful living does require the ability to accommodate differences. For example, high energy children can be peacefully raised by lesser energy parents. The issue is one of accommodation. A lower energy parent may need to take steps to engage the high energy child in exercise activities outside the family.
- Peaceful living does require the ability to manage conflicts in a respectful way. Conflict erodes peace only when its expression causes pain and its resolution leaves that pain unaddressed.

4. Are there factors in the life of the parent which detract from the time and attention needed to perform the tasks of Shared Parenting? Examples include addictions, medical problems, other relationships, and employment requirements.

Factors Related to the Parent-Child Relationship

1. What may the child gain from each parent if the parents have the high level of engagement necessitated by a Shared Parenting arrangement? Weigh that against what the child may gain from each parent if the parents have less engagement than that of parents who have adopted a Shared Parenting arrangement.

2. To what extent do either or both parents exhibit positive relational qualities such as warmth, availability, interest in the child, a shared positive history with the child, and an ability to discern the child's needs? Shared Parenting ensures a child access to those qualities.

3. Does a parent have a history which poses some risk to the child, such as a prior history of using cruel punishment or perpetrating child abuse, a model of parenting which does not require a sharing of responsibilities may provide an opportunity to dilute risk while maintaining parental access?

Factors Related to the Co-Parenting Relationship

1. How do the parents manage disagreements regarding matters pertaining to the child? Does their interpersonal style allow them to maintain a working connection when they see things differently? Does their interpersonal style / history of previous wounds cause them to establish distance at times of differing opinion which may sever their ability to work together?

2. Is there a history of parental collaboration, even in the midst of conflict, which needs to be protected by a Shared Parenting plan, i.e., a structure which allows the collaboration to continue?

3. Is there a potential for ongoing gate-keeping which could potentially be dampened by a Shared Parenting order?

4. Would Shared Parenting undermine the mental health of either parent?

Consideration:

A history of abusive behavior generally discourages a recommendation for Shared Parenting. Other variations of protracted parental misbehavior which do not rise to the level of being abusive can be so corrosive as to impact the emotional health of a parent and significantly work against the best interests of the child. Examples of behavior with such potential include:

- the initiation of too frequent nonpurposeful text and email communication,
- the use of social media to criticize or embarrass the other parent, and
- violation of the reasonable physical boundaries that allow parents to lead separate lives.

5. Do parents respond to each other in a conscientious manner?

Consideration:

In order for Shared Parenting to feel comfortable, parents need to respond to each other with an implicit agreement regarding what constitutes timely response. Delays invite frustration and heighten the opportunity for negative interpretation. Parents who do not require a court to define “timely response” tend to be more in synch, and more motivated to collaborate. Parents who require a court to define “timely response” are less likely to have an innate talent for working together.

6. Is there a history of highly regrettable behavior?

- How is it best characterized? (recent / historic, addressed unaddressed, involving both parents / just one parent, acknowledged by both / reported by just one)
- How is it best understood? (a means of controlling others, a chronic lack of emotional self-control, an isolated / circumstantial episode of emotional outburst)

7. Have the children witnessed regrettable incidents? Have they done so on an isolated or frequent basis?

Consideration:

When a marriage is disintegrating, children commonly witness isolated events of poor parental conduct that the parents themselves may not have been able to adequately anticipate. Parents who make serious mistakes can still effectively share the work of raising the children. Children who frequently witness regrettable incidents many times have parents who do not recognize the child’s need for shielding early on and take corrective steps to minimize risk of witnessing future events. Divorce / separation can provide a shield for children who have witnessed regrettable behavior when their parents are together. The increased need for parental contact which comes with Shared Parenting could inadvertently undermine the shield.

8. Characterize the degree to which the child is aware of parental conflicts.

Consideration:

Most children whose parents separate are aware of parental conflict. Children whose level of awareness rises to the level where they experience worry regarding the instability of their home have generally not been adequately shielded from conflict. In general, parents who lack insight or personal control to establish shielding boundaries in a disintegrating relationship also lack the ability to take the perspective of the child. This perspective is necessary for high quality Shared Parenting.

9. Do the parents provide the children with evidence they like each other? For example, do they engage in social banter at exchanges, support the children in choosing gifts for the other parent, refer to the other parent as “mom” / “dad”? Do they deliberately encourage the child’s love for the other parent? Do the parents provide the child with evidence they dislike each other? For example, do they show a lack of cordial conduct at exchanges? Do they maintain physical separation at public gatherings? Do they criticize clothing, food, recreational opportunities chosen by the other parent? Does a parent refer to the other parent negatively or with a lack of respect? Is there evidence a parent would tolerate a child’s hostility or disrespect toward the other parent? For example, “You will form your own opinions of your mom / dad when you are older.”

Consideration:

The ultimate goal of Shared Parenting is to promote the healthiest bond possible between the child and both parents. Parents who consistently demonstrate evidence of valuing this bond for their child are most likely to commit to the work of Shared Parenting. Parents who show little evidence of valuing this bond are less likely to commit to the work that Shared Parenting requires.

Environmental Factors

1. Can Shared Parenting increase the amount of actual time a child is cared for by parent?

Consideration:

Shared Parenting is less a model of parental residence and more a model of parental care. High quality Shared Parenting plans (as opposed to parenting time plans) are constructed around the time when each parent is normally available to be with the child—committing the hands-on time that builds bonds.

2. Does Shared Parenting save the family money / increase the financial stability of the child?

3. Does Shared Parenting drain resources of the family (money, time, work schedule accommodations) to so great an extent that other needs of the child are significantly sacrificed?

SECTION IV. PARALLEL PARENTING

~~—**Scope.** Parallel parenting is a deviation from the parenting time guidelines, Sections I, II, and III. Its application should be limited to cases where the court determines the parties are high conflict and a Parallel Parenting Plan Court Order is necessary to stop ongoing high conflict that is endangering the well being of the child. “High conflict parents” mean parties who demonstrate a pattern of ongoing litigation, chronic anger and distrust, inability to communicate about and cooperate in the care of the child, or other behaviors placing the child’s well being at risk. In such cases the court may deviate from the parenting time guidelines to reduce the adverse effects on the children. The contact between high conflict parents should be minimized or eliminated, at least until the parental conflict is under control.~~

~~In parallel parenting, each parent makes day to day decisions about the child while the child is with the parent. With parallel parenting, communication between the parents is limited, except in emergencies, and the communication is usually in writing. Appropriate counseling professionals are recommended to help parents handle parallel parenting arrangements. Parallel parenting may also be appropriate to phase out supervised parenting time. Parallel parenting is not a permanent arrangement.~~

Commentary

~~High conflict parents constantly argue with each other in the presence of the children. They often blame the other parent for their problems. Some parents make negative comments to the children about the other parent. Children of high conflict parents may develop emotional and behavioral problems. For example, they may become fearful, develop low self esteem, think they are the cause of their parents' fighting, or find themselves having to choose between their parents. Parallel parenting may be used to bridge between supervised parenting time and guideline parenting time. Of course, the best interests and safety of the children are paramount in all situations.~~

~~The court should recognize the danger that one parent could unilaterally create a high conflict situation. This behavior should not be rewarded by limiting the parenting time of the other parent.~~

- ~~**1. Limitations of Parallel Parenting.** Joint legal custody of children is normally inappropriate in parallel parenting situations. Rather, sole legal custody is the norm in parallel parenting cases. Additionally, mid week parenting time is not usually proper in parallel parenting cases, due to the higher level of contact and cooperation that is required to implement mid week parenting time. Similarly, in parallel parenting cases, "Make Up" time and the "Opportunity for Additional Parenting Time" are generally inappropriate.~~
- ~~**2. Education.** In some communities, parents can attend high conflict resolution classes or cooperative parenting classes. In these classes, parents learn that any continuing conflict between them will likely have a long term negative effect on their children. They also learn skills to be better co-parents.~~
- ~~**3. Parallel Parenting Plan Court Order.** In ordering the parties to parent according to a parallel parenting plan, the court must enter a written explanation regardless if the parties agree, indicating why the deviation from the regular Indiana Parenting Time Guidelines is necessary or appropriate. The court order shall detail the specific provisions of the plan.~~

Commentary

~~The specific court order for parallel parenting in any individual case should include a consideration of the topics in the Appendix, which is a recommended model parallel parenting plan court order. This order should address "hot topic" issues for each family, and should also include any other provisions the court deems appropriate to the family. Several of the provisions in the model order would be applicable to nearly all cases where parallel parenting is appropriate. Other provisions would be applicable only in certain circumstances. Some of these provisions require the court to make and enter a choice among various options, including Section 2.2 of the model order. The court should modify the order to fit the circumstances of the parties and needs of the children.~~

~~4. **Mandatory Review Hearing.** In all cases, a hearing must be held to review a parallel parenting court order at least every 180 days. At this hearing, the court shall hear evidence and determine whether the parallel parenting plan order should continue, be modified or ended.~~

SECTION V. PARENTING COORDINATION

...

B. Qualifications

~~1. The Parenting Coordinator shall be a registered Indiana Domestic Relations Mediator, with additional training or experience in parenting coordination satisfactory to the court making the appointment. A Parenting Coordinator, as a registered Indiana Domestic Relations Mediator under ADR Rule 1.5, has immunity in the same manner and to the same extent as a judge.~~

~~2. An individual who does not meet the mediation registration requirements of B(1), but has served as a Parenting Coordinator in an Indiana Circuit, Superior, or Juvenile Court prior to the effective date of these guidelines, may obtain a waiver from the court in which the person served. However, a person receiving such a waiver shall fully comply with all qualification requirements within (2) years from the date these guidelines are adopted.~~

...

APPENDIX. WILL SHARED PARENTING WORK FOR YOU?

QUESTIONS TO CONSIDER

Shared Parenting requires not just a sharing of time and responsibility for raising the child, but a conscious effort to create two homes that are highly unified when taking care of a child and making decisions for the child. The following questions should be seriously considered before deciding to work within a Shared Parenting agreement during the time that your child is being raised in your home.

1. Do you feel you have been thoroughly informed regarding all that is required of parents who practice Shared Parenting?
 - Do you understand all of the things a parent needs to do in one's own household and in coordination with the other parent's household when committing to Shared Parenting?
 - Do you understand what the court expects of parents who commit to Shared Parenting?
2. Do you feel all of your children would benefit from spending nearly equal amounts of time in the homes of both parents?
3. Do you feel you and your child's other parent make higher quality decisions when you make those decisions together?
4. Are there specific areas where one of you is better equipped to make decisions?
 - Do you and the other parent agree about this?

5. Are you willing to give greater weight or acknowledge the opinion of the parent with greater expertise?
6. Do you take steps to shield your child from disagreements?
 - Does the other parent take steps to shield your child from your disagreements?
 - Does your child believe you have significant disagreements in child-relevant areas?
7. Do you take steps to portray a positive relationship to your child?
 - Does the other parent take steps to portray a positive relationship to your child?
 - Does your child believe you and the other parent like each other?
8. Does the stress of working through differences with the other parent impact your daily life negatively?
9. Have you or the other parent relied on courts to resolve differences in this case?
10. Do you believe your child would be happiest in a Shared Parenting arrangement?
11. If other people assist you in caring for your child, do you believe they would willingly assist you in fulfilling the commitments of a Shared Parenting relationship?

~~APPENDIX. MODEL PARALLEL PARENTING PLAN ORDER~~

~~—The following is a suggested Model Order For Parallel Parenting, which may be used in implementing these rules.~~

~~**MODEL PARALLEL PARENTING PLAN ORDER**~~

~~The court concludes the parties are high conflict parents, as defined in the Indiana Parenting Time Guidelines. The court finds high conflict because of the following behavior(s):~~

- ~~— a pattern of ongoing litigation;~~
- ~~— chronic anger and distrust;~~
- ~~— inability to communicate about the child;~~
- ~~— inability to cooperate in the care of the child; or~~
- ~~— other behaviors placing the child's well being at risk:~~

~~_____.~~
~~_____.~~
~~[OR The court finds parallel parenting is appropriate to phase out supervised parenting time.]~~

~~Accordingly, the court deviates from the Indiana Parenting Time Guidelines, and now Orders the following Parallel Parenting Plan.~~

~~**1. RESPONSIBILITIES AND DECISION-MAKING**~~

- 1.1 ~~— Each parent has a responsibility to provide for the physical and emotional needs of the child. Both parents are very important to the child and the child needs both parents to be active parents throughout their lives. Both parents must respect each parent's separate~~

~~role with the child. Each parent must put the child's needs first in planning and making arrangements involving the child.~~

- ~~1.2 — When the child is scheduled to be with Father, then Father is the “on-duty” parent. When the child is scheduled to be with Mother, then Mother is the “on-duty” parent.~~
- ~~1.3 — The on-duty parent shall make decisions about the day-to-day care and control of the child.~~
- ~~1.4 — This decision making is not to be confused with legal custody decision making concerning education, health care and religious upbringing of the child. These more significant decisions continue to be the exclusive responsibility of the parent who has been designated as the sole custodial parent.~~
- ~~1.5 — In making decisions about the day-to-day care and control of the child, neither parent shall schedule activities for the child during the time the other parent is on-duty without prior agreement of the on-duty parent. ———~~
- ~~1.6 — Parents share a joint and equal responsibility for following parenting time orders. The child shares none of this responsibility and should not be permitted to shoulder the burden of this decision.~~
- ~~1.7 — Unacceptable excuses for one parent denying parenting time to the other include the following:
 - ~~The child unjustifiably hesitates or refuses to go.~~
 - ~~The child has a minor illness.~~
 - ~~The child has to go somewhere.~~
 - ~~The child is not home.~~
 - ~~The noncustodial parent is behind in support.~~
 - ~~The custodial parent does not want the child to go.~~
 - ~~The weather is bad.~~
 - ~~The child has no clothes to wear.~~
 - ~~The other parent failed to meet preconditions established by the custodial parent.~~~~

2. ~~REGULAR PARENTING TIME~~

- ~~2.1 — The parents shall follow this specific schedule so the child understands the schedule.~~
- ~~2.2 — Mother, or Father has sole custody of the child. The noncustodial parent shall have regular contact with the child as listed below:
 - ~~Every other weekend, from 6:00 p.m. on Friday until 6:00 p.m. on Sunday.~~
 - ~~Every other Saturday, from _____ a.m. until _____ p.m.~~
 - ~~Every other Saturday and Sunday from _____ a.m. until _____ p.m. each day.~~
 - ~~_____~~
 - ~~_____~~~~

3. ~~SUMMER PARENTING TIME SCHEDULE~~ *(use only if summer is different than the Regular Parenting Time outlined above.)*

~~3.1 — Mother shall be on duty and the child will be with Mother as follows:~~

~~_____~~
~~_____~~

~~3.2 — Father shall be on duty and the child will be with Father as follows:~~

~~_____~~
~~_____~~

4. HOLIDAY SCHEDULE

~~4.1 — Holiday Schedule Priority. The below detailed holiday schedule overrides the above Regular Parenting Time Schedule. For listed holidays other than Spring Break and Christmas Break, when a holiday falls on a weekend, the parent who is on duty for that holiday will be on duty for the entire weekend unless specifically stated otherwise. It is possible under some circumstances that the holiday schedule could result in the child spending three (3) weekends in a row with the same parent.~~

~~4.2 — On New Year's Eve/Day, **Martin Luther King Day, President's Day, Easter, Memorial Day, 4th of July, Labor Day**, Halloween, Fall Break, birthdays of the child and parents, and all other holidays / special days not specifically listed below, the child shall remain with the parent they are normally scheduled to be with that day, as provided in the Regular Parenting Time Schedule.~~

~~4.3 — Spring Break. The child shall spend Spring Break with Father in odd numbered years and with Mother in even numbered years. This period shall be from two hours after the child is released from school before Spring Break, and ending at 7:00 pm of the last day before school begins again.~~

~~4.4 — Mother's Day and Father's Day. The child shall spend Mother's Day weekend with Mother, and Father's Day weekend with Father each year. These periods shall be from Friday at 6:00 p.m. until Sunday at 6:00 p.m.~~

~~4.5 — Thanksgiving. The child shall spend the Thanksgiving holiday, from two hours after the child is released from school Wednesday until Sunday at 7:00 p.m. with Father in odd numbered years, and with Mother in even numbered years.~~

~~4.6 — Christmas.~~

~~a. — The Christmas vacation shall be defined as beginning on the last day of school and ending the last day before school begins again. — Absent agreement of the parties, the first half of the period will begin two hours after the child is released from school. The second half of the period will end at 6:00 p.m. on the day before school begins again.~~

~~— Each party will receive one half (1/2) of the total days of the Christmas vacation, on an alternating basis as follows:~~

- ~~1. — In even numbered years, the custodial parent shall have the first one half (1/2) of the Christmas vacation and non-custodial parent shall have the second one half (1/2) of the Christmas vacation.~~

- ~~2. In odd numbered years, the non-custodial parent shall have the first one half (1/2) of the Christmas vacation and custodial parent shall have the second one half (1/2) of the Christmas vacation.~~
- ~~3. In those years when Christmas does not fall in a parent's week, that parent shall have the child from Noon to 9:00 P.M. on Christmas Day.~~
- ~~4. No exchanges under this portion of the rule shall occur after 9:00 p.m. and before 8:00 a.m., absent agreement of the parties.~~

~~Or~~

- ~~b. The child shall celebrate **Christmas** Eve, December 24, from 9:00 a.m. until 9:00 p.m. with Mother in odd numbered years, and with Father in even numbered years. The child shall celebrate **Christmas** Day, December 25, from 9:00 p.m. on December 24 until 6:00 p.m. on December 25 with Father in odd numbered years, and with Mother in even numbered years. At 6:00 p.m. on December 25, the Regular Parenting Time Schedule resumes.~~

~~Or~~

- ~~c. Other: _____~~

~~5. TRANSPORTATION OF THE CHILD~~

- ~~5.1 The parents shall arrive on time to drop-off and pick-up the child. The parents shall deliver the child's clothing, school supplies and belongings at the same time they deliver the child. The parents shall always attempt to return the child's clothing in a clean condition.~~
- ~~5.2 When the child is scheduled to return to Father, then *Father shall pick the child up at* [] *Mother's home or* [] _____.~~
- ~~5.3 When the child is scheduled to return to Mother, then Mother shall pick the child up at [] *Father's home or* [] _____.~~
- ~~5.4 Special Provisions Regarding Exchange Participation: *(if necessary)*
 _____ *Other than the parents, only* _____ *shall be present when the child is exchanged.* _____~~
- ~~5.5 A parent may not enter the residence of the other, except by express invitation, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, the child shall be picked up at the front entrance of the appropriate residence or other location unless the parents agree otherwise. The person delivering the child shall not leave until the child is safely inside.~~

~~6. EMERGENCY CHANGES IN THE REGULAR PARENTING TIME SCHEDULE~~

- ~~6.1 Although the child needs living arrangements that are **predictable**, if an unexpected or unavoidable emergency comes up, the parents shall give each other as much notice as possible.~~

~~6.2 — If unable to agree on a requested change to the schedule, the Regular Parenting Time Schedule shall be followed. If an emergency results in the need for child care, the on-duty parent shall make the child care arrangements and pay for the cost of child care, unless otherwise agreed.~~

~~6.3 — Unless the parents agree, any missed parenting time shall not later be made up.~~

~~7. COMMUNICATION~~

~~7.1 — Communication Book. The parents shall always use a "communication book" to communicate with each other on the child's education, health care, and activities. The communication book should be a spiral or hardbound notebook. The communication book will travel with the child, so that information about the child will be transmitted between the parents with minimal contact between parents.~~

~~7.2 — Neutrality of the Child. To keep the child out of the middle of the parents' relationship and any conflict that may arise between the parents, the parents shall not:~~

~~Ask the child about the other parent.~~

~~Ask the child to give messages to the other parent.~~

~~Make unkind or negative statements about the other parent around the child.~~

~~Allow other people to make unkind or negative statements about the other parent around the child.~~

~~7.3 — Dignity and Respect. The parents shall treat each other with dignity and respect in the presence of the child. The parents shall keep conversations short and calm when exchanging the child so the child will not become afraid or anxious.~~

~~7.4 — Telephone Contact. The child may have private telephone access to the other parent [] at all times or [] between the hours of _____ and _____. The parents shall encourage and help the child stay in touch with the other parent.~~

~~7.5 — The parents shall not interfere with communication between the child and the other parent by actions such as: refusing to answer a phone or refusing to allow the child or others to answer; recording phone conversations between the other parent and the child; turning off the phone or using a call blocking mechanism or otherwise denying the other parent telephone or electronic contact with the child.~~

~~7.6 — Notice of Travel. Before leaving on out of town travel, the parents shall provide each other the address and phone number where the child can be reached if they will be away from home for more than 48 hours.~~

~~7.7 — The parents shall at all times keep each other advised of their home and work addresses and telephone numbers. Notice of any change in this information shall be given to the other parent in the communication book at the next exchange.~~

~~8. SAFETY (use the following provisions only as necessary)~~

~~8.1 — Neither parent shall operate a vehicle when impaired by use of alcohol or drugs.~~

~~8.2 — Mother Father Both parents shall not use alcohol or non-prescribed drugs when they are the on-duty parent.~~

- ~~8.3 — The parents shall not leave the child _____ unattended at any time.~~
- ~~8.4 — Mother Father Both parents shall not use, nor allow anyone else to use, physical discipline with the child.~~
- ~~8.5 — _____ shall not use physical discipline with the child.~~
- ~~8.6 — All contact between the child and _____ shall be supervised by _____.~~
- ~~8.7 — Neither parent shall allow the child to be in the presence of _____.~~

9. EDUCATION

- ~~9.1 — The custodial parent shall determine where the child attends school.~~
- ~~9.2 — Both parents shall instruct the child's schools to list each parent and their respective addresses and telephone numbers on the school's records.~~
- ~~9.3 — Each parent will maintain contact with the child's schools to find out about the child's needs, progress, grades, parent teacher conferences, and other special events.~~
- ~~9.4 — The parents shall use the "communication book" to share information about the child's school progress, behavior and events.~~

10. EXTENDED FAMILY

- ~~10.1 — The child will usually benefit from maintaining ties with grandparents, relatives and people important to them. The parents shall help the child continue to be in contact with these people.~~
- ~~10.2 — However, as provided above at "SAFETY," all contact between the child and _____ shall be supervised by _____.~~
- ~~_____ neither parent shall allow the child to be in the presence of _____.~~

11. CHILD CARE

- ~~11.1 — Arranging for normal, day to day work related child care for the child is the responsibility of the custodial parent on duty parent.~~
- ~~11.2 — When occasional other situations require child care for the child when the child is with the on duty parent, the on duty parent is not required to offer the other parent the chance to provide this care before seeking someone else to care for the child. However, in such situations, the on duty parent shall make any needed occasional child care arrangements, and the on duty parent shall pay the cost of that child care.~~
- ~~11.3 — Only the following listed persons may provide occasional child care for the child: _____.~~
- ~~11.4 — If the Mother Father anticipates being unable to personally supervise the child during the parent's entire scheduled on duty time, the Mother Father must notify the other parent as soon as possible, and that parent's on duty time for that day weekend will be cancelled, and not made up at any later time.~~

~~12. HEALTH CARE~~

- ~~12.1—Major decisions about health care (such as the need for surgery, glasses, contacts, prescription medications, orthodontia, etc., and the need for regular, on-going medical appointments and treatments, etc.) shall be made by the custodial parent.~~
- ~~12.2—Each parent has a right to the child's medical, dental, optical and other health care information and records. Each parent will contact the child's health care providers to find out about the child's health care needs, treatments and progress. The custodial parent shall give written authorization to the child's health care providers, permitting an ongoing release of all information regarding the child to the non-custodial parent including the right of the provider to discuss the child's situation with the non-custodial parent.~~
- ~~12.3—The parents shall use the "communication book" to communicate with each other on all health care issues for the child.~~
- ~~12.4—The on-duty parent shall make sure the child takes all prescription medication and follow all prescribed health care treatments.~~
- ~~12.5—In medical emergencies concerning the child, the on-duty parent shall notify the other parent of the emergency as soon as it is possible. In such emergencies, each parent can consent to emergency medical treatment for the child, as needed.~~

~~13. RELOCATION FROM CURRENT RESIDENCE~~

- ~~13.1—When either parent considers a change of residence, a 90-day advance notice of the intent to move must be provided to the other parent and filed with the court.~~
- ~~13.2—The Indiana Parenting Time Guidelines have a more detailed discussion of the statutory notice requirements at Section I.E.4, "Relocation."~~

~~14. EVENT ATTENDANCE~~

- ~~14.1—When the child is participating in a sports team, club, religious, or other such event at school or elsewhere, [] only the on-duty parent [] both parents may attend the event.~~
- ~~14.2—The custodial parent is permitted to enroll the child in _____ extracurricular activity. The non-custodial parent shall encourage this participation.~~

~~15. A CHILD'S BASIC NEEDS~~

~~To insure more responsible parenting and to promote the healthy adjustment and growth of the child, each parent should recognize and address the child's basic needs. Those needs include the following:~~

- ~~15.1—To know that the parents' decision to live apart is not the child's fault.~~
- ~~15.2—To develop and maintain an independent relationship with each parent and to have the continuing care and guidance from each parent.~~
- ~~15.3—To be free from having to side with either parent and to be free from conflict between the parents.~~

- ~~15.4 — To have a relaxed, secure relationship with each parent without being placed in a position to manipulate one parent against the other.~~
- ~~15.5 — To enjoy consistent time with each parent.~~
- ~~15.6 — To be financially supported by each parent, regardless of how much time each parent spends with the child.~~
- ~~15.7 — To be physically safe and adequately supervised when in the care of each parent and to have a stable, consistent and responsible child care arrangement when not supervised by a parent.~~
- ~~15.8 — To develop and maintain meaningful relationships with other significant adults (grandparents, stepparents and other relatives) as long as these relationships do not interfere with or replace the child's primary relationship with the parents.~~

~~**16. RESOLVING DISPUTES**~~

- ~~16.1 — Because this is an Order of the court, both parents must continue to follow this Parallel Parenting Plan even if the other parent does not.~~
- ~~16.2 — When the parents cannot agree on the meaning or application of some part of this Parallel Parenting Plan, or if a significant change (such as a move or remarriage) causes conflict between the parents, both parents shall make a good faith effort to resolve those differences before returning to the court for relief. In most situations, the court will require the parents to attend mediation before any court hearing will be conducted.~~
- ~~16.3 — The parties shall attend _____ counseling / parenting education program.~~

~~**17. MANDATORY REVIEW HEARING**~~

- ~~17.1 — A mandatory review hearing is set on _____, 20___, at _____ a.m./p.m. in this court. Both parents shall appear at this hearing with counsel of record. [Note: The date shall be set within 180 days of the entry of this order]~~

DATE: _____, 20__

 _____ COMMISSIONER/MAGISTRAT
 E/JUDGE

The above entry is adopted as the Order of the Court on this same date.

 _____ JUDGE

Copies to: _____ Attorney for Petitioner,
 _____ Attorney for Respondent,

~~Mediator:~~


~~DATE OF NOTICE:~~

~~INITIAL OF PERSON WHO NOTIFIED PARTIES: COURT CLERK~~

~~OTHER~~

This amendment is effective January 1, 2022.

Done at Indianapolis, Indiana, on ^{10/5/2021}_____.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.